

**IN THE UNITED STATES DISTRICT COURT OF ILLINOIS
FOR THE NORTHERN DISTRICT
EASTERN DIVISION**

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|---|---|------------------|
| EMPLOYERS MUTUAL CASUALTY |) | |
| COMPANY, an Iowa corporation, |) | |
| |) | |
| Plaintiff, |) | No: 1:08-cv-7408 |
| |) | |
| v. |) | |
| |) | |
| KEYSTONE MECHANICAL INDUSTRIES, INC., |) | |
| an Illinois corporation, KEYSTONE ELECTRIC |) | |
| COMPANY, INC., an Illinois corporation, |) | |
| KEYSTONE MECHANICAL INDUSTRIES |) | |
| OF WISCONSIN, INC., an Illinois corporation, |) | |
| d/b/a DIPIETRO MECHANICAL INDUSTRIES, |) | |
| INC., KEYSTONE SERVICE COMPANY, an |) | |
| Illinois corporation d/b/a DIPIETRO PLUMBING, |) | |
| KEYSTONE HEATING & COOLING, INC., an |) | |
| Illinois corporation and YALE SMITH, an |) | |
| Illinois citizen, |) | |
| |) | |
| Defendants. |) | |

**EMPLOYERS MUTUAL CASUALTY COMPANY’S
MOTION FOR ENTRY OF FINAL JUDGMENT
AGAINST CERTAIN DEFENDANTS**

Employers Mutual Casualty Company (“EMC”), by and through its attorneys, Grace Winkler Cranley and Michele Killebrew of the law firm of Leo & Weber, P.C., submits this Motion for Entry of Judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure against Defendants, Keystone Electric Company, Inc., Keystone Mechanical Industries of Wisconsin, Inc. d/b/a DiPietro Mechanical Industries, Inc., and Keystone Service Company d/b/a DiPietro Plumbing, Keystone Heating & Cooling, Inc. (collectively referred to as “Corporate Defendants”). In support of this motion, EMC states as follows:

1. On December 30, 2008, EMC commenced this action and on January 15, 2009, EMC amended its complaint to bring this action against the Corporate Defendants. This action arises out of a General Application and Agreement of Indemnity (“Indemnity Agreement”) the Defendants entered into with EMC on or about November 18, 2002 pursuant to which the Defendants agreed to indemnify EMC from any and all liability arising out of claims on bonds issued on behalf of the Corporate Defendants.

2. On April 14, 2009, this Court entered an Order granting EMC’s motion for default judgment against the Corporate Defendants. (A copy of the Order is attached as Exhibit “A”).

3. As a result of the Defendants’ breach of the Indemnity Agreement and other actions, EMC has incurred losses totaling \$400,553.09 in loss payments and expenses as of April 21, 2009. (See Affidavit of Ruta Krumins attached as Exhibit “B”).

4. Federal Rule of Civil Procedure 58 provides for entry of judgment against a party under these circumstances.

5. EMC seeks entry of a judgment amount against Defendants, Keystone Electric Company, Inc., Keystone Mechanical Industries of Wisconsin, Inc. d/b/a DiPietro Mechanical Industries, Inc., and Keystone Service Company d/b/a DiPietro Plumbing, Keystone Heating & Cooling, Inc. as a result of the decision by the Court on April 14, 2009 in the amount of \$400,553.09 as set forth in the Affidavit of Ruta Krumins. (See Affidavit of Ruta Krumins attached as Exhibit “B”).

WHEREFORE, Plaintiff, Employers Mutual Casualty Company, prays that this Honorable Court enter a final judgment against Defendants, Keystone Electric Company, Inc., Keystone Mechanical Industries of Wisconsin, Inc. d/b/a DiPietro Mechanical Industries, Inc.,

and Keystone Service Company d/b/a DiPietro Plumbing, Keystone Heating & Cooling, Inc. in the amount of \$400,553.09 at this time and for any other relief this Court deems appropriate.

Employers Mutual Casualty Company

By: /s/ Grace Winkler Cranley
One of its Attorneys

Grace Winkler Cranley, ARDC #: 6215920
Michele Killebrew, ARDC #: 6289931
Leo & Weber, P.C.
One North LaSalle Street, Suite 3600
Chicago, Illinois 60602
312-857-0910

CERTIFICATE OF SERVICE

I hereby certify that on April 29, 2009 I caused copies of **Employers Mutual Casualty Company's Motion for Entry of Final Judgment Against Certain Defendants** to be filed pursuant to the Federal Rules of Civil Procedure and Local Rules with the Clerk of the United States District Court, Northern District of Illinois, Eastern Division, using the CM/ECF system which will send notice of filing electronically to the following:

Nathan Q Rugg
Chad H. Gettleman
Adelman & Gettleman, Ltd.
53 W. Jackson Blvd., Suite 1050
Chicago, IL 60604

Additionally, notice has been sent by mail by depositing copies of the same, in the U.S. Mail depository at One North LaSalle Street, Chicago, Illinois, with proper postage pre-paid, upon the following:

Keystone Mechanical Industries, Inc.
Registered Agent: Yale Smith
310 Wainwright Dr
Northbrook, IL 60062

/s/ Grace W. Cranley
One of his Attorneys

Grace W. Cranley, ARDC # 6215920
Michele Killebrew, ARDC # 6289931
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